UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

ALBERT B. BROWN, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:08-CV-483 CAS
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles, filed November 12, 2008. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the decision of the Commissioner denying plaintiff's application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401, et seq., be affirmed.

Plaintiff has filed objections to the Report and Recommendation, asserting that the Magistrate Judge erred in accepting the Administrative Law Judge's determinations that (1) plaintiff's complaints of severe, disabling pain were not credible, in part because of plaintiff's failure to seek medical treatment; and (2) plaintiff's impairments were not severe because there existed no objective medical evidence to support a finding that plaintiff's impairments were severe. (Doc. 33). Plaintiff also filed supplemental objections in support of his position. (Doc. 38).

After <u>de novo</u> review of the matter, including careful review of all briefs filed by the parties, the Court concurs with the recommendation of the Magistrate Judge for the reasons set forth in the thorough and well-reasoned Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States

Magistrate Judge is **sustained**, **adopted** and **incorporated** herein. [Doc. 32]

IT IS FURTHER ORDERED that the decision of the Commissioner denying plaintiff's

application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C.

§§ 401, <u>et seq.</u>, is **AFFIRMED**.

An appropriate judgment will accompany this order.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 12th day of January, 2009.